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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/088,334      | 07/15/2002  | Andrew E. Vandali    | COCH-0035-US1       | 2884             |

22506 7590 03/09/2007  
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| EXAMINER |
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STORM, DONALD L

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| ART UNIT | PAPER NUMBER |
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2626

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03/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

|   |                        |                     |  |
|---|------------------------|---------------------|--|
| <b>Response to Rule 312 Communication</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|   | 10/088,334             | VANDALI ET AL.      |  |
|   | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|   | Donald L. Storm        | 2626                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 22 February 2007 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☒ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

*The proposed amendment will not be entered because it is not obviously allowable. The scope encompassed by the proposed language for claims 16, 31, 45, and 47 was not previously determined and examined. The invention defined by the proposed language for claims 45 and 47 is not clear. Antecedent basis for the proposed language for claim 47 is not clear.*

  
DONALD L. STORM  
PRIMARY PATENT EXAMINER

Division 2626